<u>REMARKS</u>

Claims 1-8 are pending in this application. Claims 1-8 stand rejected. In light of the remarks set forth below, Applicants respectfully submit that each of the pending claims is in immediate condition for allowance.

Claims 1-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,732,117 ("Chilton") in view of U.S. Patent No. 6,779,039 ("Bommareddy"), further in view of U.S. Patent No. 6,950,848 ("Yousefi'zadeh"). Applicants respectfully request reconsideration and withdrawal of this rejection.

Among the limitations of independent claim 1 not present in the cited references is a means for "judging whether or not the service response time is equal to more than a setting value; [and] a means for creating a front end to process the service tasks of the server and perform the service delivery in whole or in part when the service response time is equal to or more than the setting value." These features are not present in the cited references.

In Applicants' previous response, Applicants noted that Chilton failed to disclose the claimed means for judging whether or not the service response time is equal to or more than a setting value. Although not previously argued, Chilton also fails to disclose the means for creating the front end to process the service tasks of the server and perform the service delivery in whole or in part when the service response time is equal to or more than the setting value because Chilton fails to judge whether or not the service response time is equal to or more than a setting value. Therefore, it cannot create a front end to process the service tasks based in whole or in part on whether or not the service response time is equal to or more than the setting value as explicitly recited in claim 1. In an effort to cure the deficiency in claim 1, the Office Action includes Yousefi'zadeh. However, Yousefi'zadeh fails to cure the deficiency in Chilton noted above.

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In Yousefi'zadeh, to perform database load balancing, incoming transactions are assigned to multiple database servers using, in one embodiment, the database with the fastest response time, wherein the database server with the fastest measured response time is selected. However, merely selecting the fastest server from among a group of servers is not the same as judging whether or not the service time is equal to or more than a setting value. In Yousefi'zadeh, only the fastest response time is used, not the response time as compared to a set value.

Further, Yousefi'zadeh fails to cure the deficiency in Chilton of a means for creating a front end to process the service tasks of the server and perform the service delivery in whole or in part when the service response time is equal to or more than the setting value. In Yousefi'zadeh, the incoming client requests from web servers are assigned to a database based on the fastest response time not the service response time, being equal to more than the setting value. As such, Yousefi'zadeh fails to cure the deficiencies discussed with respect to claim 1 and Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1.

Claims 2-4 depend from, and contain all the limitations of claim 1. These dependent claims also recite additional limitations which, in combination with the limitations of claim 1, are neither disclosed nor suggested by the cited references and are also believed to be directed towards the patentable subject matter. Thus, claims 2-4 should also be allowed.

Claim 5 is a method of using front ends corresponding to the apparatus recited in claim 1. Among the limitations of claim 5 not present in the cited reference is judging whether or not the service response time is equal to or more than the setting value and creating a front end to process the server tasks of the server and perform the service delivery in whole or in part when the service response time is equal to or more than the setting value.

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In Chilton, there is not disclosure of creating a front end. In Chilton, the front end is present to receive and reply to the client oriented requests. There is no disclosure of creating a front end at all, let alone creating a front end when the service response time is equal to or greater than a set value. Chilton does not ever create a front end nor does Chilton judge whether or not service response time is equal to or more than a setting value.

The Office Action does not add anything more to the rejection of claim 5. However, it asserts that means for creating a front end to process the service tasks if the server is disclosed in Yousefi'zadeh as stated with respect to claim 1. See Office Action at 9. However, the Office Action cites to Yousefi'zadeh, col. 27, lns. 27-56, Applicants assume that the Office Action is referring to col. 5, lns. 27-56. As discussed above, Yousefi'zadeh fails to cure the deficiency in Chilton discussed above. In Yousefi'zadeh, the fastest response time of the database is measured and the database with the fastest response time is selected. However, there is no comparison to a setting value nor is a front end created to process service tasks based in whole or in part when the service response time is equal to or more than the setting value. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 5.

Claims 6-8 depend from, and contain all the limitations of claim 5. These dependent claims also recite additional limitations which, in combination with the limitations of claim 5, are neither disclosed nor suggested by the cited references and are also believed to be directed towards the patentable subject matter. Thus, claims 6-8 should also be allowed.

Applicants have responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

Dated: January 20, 2006   Respectfully submitted,
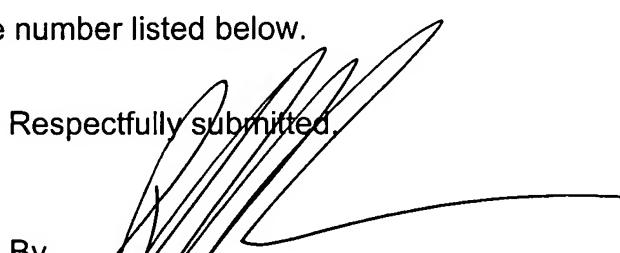
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